

**Board of Forestry and Fire Protection  
Range Management Advisory Committee (RMAC)**

**Minutes  
December 6, 2006**

**Attending:**

**RMAC:**

**Representing**

Ken Zimmerman	California Cattlemen's Association
Mike Connor	Public Member
Clancy Dutra	California Farm Bureau Federation
J.R. McCollister	Public Member
Neil McDougald	California Cattlemen's Association
Chuck Pritchard	California Assoc. of Resource Conservation Districts
Leonard Hale	Watershed Fire Council of Southern California
Mel Thompson	California Wool Growers Association
Jeff Stephens	CDF / RMAC Executive Secretary

**Members of the Public:**

Jon Gustafson	NRCS
Bob Fry	NRCS
Bruce Warden	Lahontan Regional Water Quality
Tacy Curry	California Assoc. of Resource Conservation Districts
Scott Johnson	California Forest Pest Council
Bill Burrows	Sunflower CRMP

**Items 1 & 2 Call to Order and Introductions:**

Ken Zimmerman called the meeting to order at 8:00 A.M. Introductions of all present were made. He indicated that the agenda would not be taken in order.

**Item 3, Review and approval of the July 2006 minutes:**

Minutes for the October 5, 2006 RMAC meeting were approved with changes. Mike Connor made the motion to approve with corrections. Motion carried unanimously.

Ken Zimmerman used this portion of the agenda to ask for clarification to the Draft Minutes of the CRM (Certified Range Manager) Panel Meeting of November 1, 2006. He asked for a definition of the Acronym "ARM." Mike Connor stated this is the Associate Certification; a person that has the educational requirements but not the experience for a fully certified CRM. He also clarified that BOD stands for Board of Directors.

**Item 4, NRCS Demonstration of the Windows Pesticide Screening Tool (WIN-PST);  
A pesticide environmental risk screening tool used to evaluate the potential for  
pesticides to move with water and eroded soil/organic matter and affect non-target  
organisms.**

Jon Gustafson deferred to Bob Fry for a discussion of the WIN-PST. This program evaluates risk based on type of chemical, soil type, etc. It evaluates the potential of the chemical to move off site by runoff, or attachment to soil particles. It supplies a hazard risk rating. The rating provided should be viewed as risk assessment from which you can work backwards reducing risk through mitigation and management activities. Jon Gustafson stated that it allows you to compare different chemicals in terms of risk after it is applied to the soil.

Leaching, soluble runoff, and attachment to soil particles are the measures by which risk for moving off site are determined. Soil erosion potential is used for soil particle transport. Soil organic matter is key since it accelerates decomposition of the chemicals. It does not estimate ground water impacts. It is more an issue of the chemical leaching through the soil profile and reaching a waterway. Aerial drift is not accounted for by the model.

Bob Fry provided sample risk assessments of several chemicals that are typically used in Forest/Range applications. The policy of the NRCS is that if the assessment is in the low to moderately low categories then mitigation measures are not needed. If the ratings are high for risk then mitigation practices should be considered to reduce risk. Chuck Pritchard asked how the risk values are generated. Bob Fry stated that they are the result of the field properties, chemical properties, etc calculated by the program.

For each pathway of movement there is a rating for risk to humans and fish. Jeff Stephens confirmed with Bob Fry that the risk is based on toxicity data stored within the program.

Chuck Pritchard asked whether human risk is a factor for the pathway of absorbed run-off. Bob Fry stated that risk is related to long term exposure. Humans are not likely to have long term exposure to sediment born pesticides, therefore there is no risk rating for this method of transport. Scott Johnson advised that the likelihood for contact via soil born chemicals is slight.

Jeff Stephens asked if foliar applications are evaluated in the model. Bob Fry confirmed that it is possible to evaluate foliar application, and this in fact lowers the risk for movement since it is not a direct application to soil. Jeff Stephens also confirmed that it could be used in aerial applications excluding the risk associated with aerial drift.

Jeff Stephens asked if the tool has ever been used as a mitigation tool associated with environmental documents. Bob Fry had no knowledge of this use but stated that it could be used as a mitigation tool at the project level.

Bob Fry stated that WIN-PST is not web based but it can be downloaded.

Chuck Pritchard ran through an example for salt cedar and asked how this tool would be of use for his scenario. Bob Fry explained that it would provide a risk assessment for his application and that mitigation may be adjusted based on the results.

Neil McDougald asked if a rancher wanted to use this tool as part of an EQIP project would the NRCS run the program as part of the service provided to the rancher. Bob Fry stated that this is a main purpose of the tool.

Scott Johnson communicated an example that he had with East Bay Mud where the WIN-PST was used to evaluate the herbicide prescription being used. He stated that the tool was very useful in lowering the concerns on the proposed application.

Jon Gustafson stated that if there is a blank in the soil survey that the hydrologic classification rating can be used to complete the analysis. Bob Fry stated that the hydrologic group (A, B, C, etc) is a standard component of the analysis. Mel Thompson asked in the absence of a soil map how the rancher can obtain the needed soils information. Bob Fry stated that if you are a producer the rancher can download the information from the NRCS web site. The soil description can also be modified to some extent, for example a high water table may be described for a local area.

Ken Zimmerman concluded the discussion and thanked Jon Gustafson and Bob Fry for the presentation and taking the time to appear before RMAC.

#### **Item 7, Agency and Association Reports:**

NRCS, Jon Gustafson Reporting: NRCS has received a budget and is in the process of figuring out how to maintain field services. The State Conservationist has been focusing on rangelands and wildlife. He is very supportive of assisting producers with streamlining the permitting process. There has been a shift in focus to the California Rangeland Resolution (CRR). The State Conservationist has made recommendations to the CRR Steering Committee. NRCS plans to maintain support and the partnership with GLCI.

Jon Gustafson asked Jeff Stephens if CDF was in favor of signing the CRR. Mr. Stephens responded stating that he has received a favorable response from Russ Henly and Bill Snyder, but to his knowledge it had not been elevated to the level of the Director. Mike Connor indicated that Tracy Schohr is in favor of CDF signing the CRR, and that RMAC should consider formal action urging CDF to become a signatory agency. Ken Zimmerman made the point that RMAC represents all rangelands and that RMAC must be careful in that the CRR does not represent all rangelands presently. Mel Thompson clarified that the CRR is basically the central valley from Bakersfield to Redding excluding the Central Coast.

Jon Gustafson stated that the reason the CRR is not state wide is that there was hesitation on the part of member groups due to perceived lack of sufficient information on the impacts of grazing to certain ecotypes. The initial strategy was to go with land areas where the beneficial aspects of grazing are accepted by all parties. Once the comfort zone expands there will be proposals to expand the CRR.

There was discussion as to whether the Board or CDF be signatory. Motion 1: Mike Connor made a motion that RMAC write a letter in support of CDF signing the CRR for submission to the Board. Motion seconded and carried by unanimous vote.

Chuck Pritchard raised the issue of whether the Board should be signatory as well as CDF since the Board is interfacing with a variety of producers in the state. Jeff Stephens asked Jon Gustafson who the CRR was targeted for. Jon Gustafson stated that it is targeted at regulators primarily rather than the WCB or the Board. Ken Zimmerman asked that J.R. McCollister express his position. J.R. McCollister felt that this may add additional complication to the issue, and that if something is going on that warrants Board attention then RMAC could inform the Board of the need to take note of the issue. Mike Connor agreed. Chuck Pritchard offered the letter to Mike Bonnhien from the Board expressing

support for the superior management practices they had observed on his property, and that this letter had nothing to do with CDF endorsement. Ken Zimmerman invited Chuck Pritchard to make a motion in support of his position.

Motion 2: Chuck Pritchard made the motion that RMAC recommend to the Board that it become signatory to the CRR, and let the Board make that determination on their own. Vote was 5 to 3 against. Motion did not carry.

#### California Association of Resource Conservation Districts (CARCD), Tacy Curry Reporting:

Tacy Curry reported on three issues of concern.

First are water rights on stock ponds under 10 acre feet. A registration fee of \$250 per stock pond per year is proposed. The Water Boards position has been that if the fee is not paid then the pond must be dewatered. CARCD has brought this to the attention of the DFG in recognition that there are two agencies with opposing interests in hopes that they can come to agreement.

Second: The Sierra Nevada Framework is being used by some local interests performing their own analysis in the Tahoe Basin and other parts of Nevada County to conclude that grazing has no beneficial effects, and thus grazing allotments are being eliminated or threatened with elimination. These reports come from the Nevada County RCD. CARCD is trying to get these local interests to quantify the findings and asked that RMAC place this on their agenda. Neil McDougald and Mike Connor noted grazing is such a small portion of the economy in these areas that it would be difficult to show an economic impact to the local economy as a result of eliminating grazing. Ken Zimmerman stated RMAC will look into the issue to see what can be done.

EQIP projects have resulted in property assessments at higher values resulting in higher taxes. Mike Connor asked for clarification. Neil McDougald stated that for example if you added a mile of water line and show it on Schedule C as a capital investment, the county assessor would then use the improvement as justification to raise property taxes.

#### US Forest Service, Jeff Stephens Reporting:

Jeff Stephens presented monitoring data on US Forest Service grazing lands on behalf of Crispin Holland US Forest Service Region 5 Rangeland Manager.

#### **Item 6: CDF Vegetation Treatment Program Policy Review and VTP EIR Status Report**

Jeff Stephens provided the update. CDF is on schedule to deliver administrative drafts of chapters 1-4 to the Board ad hoc committee by December 18, 2006. Chapters 4, 5, 6, on are due February 13, 2007. Mike Connor asked when the does the schedule call for a complete draft. Jeff Stephens responded that the complete Draft EIR is due April 15, 2007. Jeff Stephens also indicate that an additional \$33,000 has been injected into the budget. Special hearings for public comment are not planned. The Board's normal public hearing process is anticipated for this project.

Ken Zimmerman asked when RMAC may be able to see the documents for review. Jeff Stephens stated that he would distribute the Administrative drafts to RMAC simultaneously

with the Board ad hoc committee. He agreed to coordinate review and responses with J.R. McCollister since he heads the Vegetation Management/Fire Focus Group.

Mel Thompson referred to previous documents distributed by Jeff Stephens indicating a due date in 2008. Jeff Stephens confirmed that due to fiscal limitations the scheduled has been greatly compressed, and that the contractor's ability to perform depends upon CDF delivering on certain products as well.

J.R. McCollister asked what role WIN-PST may have with the EIR. Jeff Stephens explained that WIN-PST may be a tool that will assist our field staff with risk assessment at the project level when working through the environmental checklist. Jon Gustafson commented that CDF may wish to leave the actual tool used open ended since as new technologies come on line for risk assessment CDF would want to avail themselves of the new technology.

Scott Johnson indicated that he was invited by CDF to provide information and contacts regarding the use of herbicides in conjunction with the environmental impacts analysis being prepared for the EIR. These contacts have been provided. Jeff Stephens thanked Mr. Johnson for his contribution in this regard. Secondly, Mr. Johnson informed the RMAC that the Pesticide Regulation Program administered by the Department of Pesticide Regulation (DPR) is a functional equivalent process to CEQA. Therefore compliance with the label restrictions satisfies the requirements of CEQA for the avoidance of significant environmental impacts. Using the functional equivalent approach for the analysis of impacts could save CDF a lot of time and money.

Ken Zimmerman indicated that there is a lawsuit against the California Department of Food & Agriculture that found against their ability to use a programmatic document like the DPR functional equivalency process at the project level. Jeff Stephens confirmed the case and the potential for the court decision to interfere with using a programmatic approach for compliance with CEQA.

**Item 5, The use of Safe Harbor Agreements between landowners and regulating agencies for the maintenance of working landscapes while protecting wildlife. Bill Burrows, Coordinator, Sunflower CRMP:**

Bill Burrows began his discussion by thanking RMAC for the opportunity to speak. Safe Harbor developed in the east due to the presence of a T&E bird species that resulted in conflict between landowners and Fish & Game officials. The result was that land management was being shut down and landowners were actively engaged in elimination of the species in defense. As a consequence landowners and wildlife officials struck an agreement known as safe harbor which proved to be very successful at providing incentive to the landowner to maintain wildlife without the threat of added regulation. The program has since spread to other regions including California.

Bill Burrows has had a Safe Harbor agreement for about 3 years for red legged frog and elderberry beetle. The bottom line is to promote voluntary management by the landowner. The advantage to the landowner is assurance of no further regulation beyond the Safe Harbor Agreement. Mr. Burrows explained that he is a member of a CRMP composed of 60 landowners. Persuading this group to support Safe Harbor was a tremendously difficult accomplishment.

There are two methods for becoming involved in Safe Harbor: One is as an individual or with small groups. The second is by way of programmatic approach. The second is intended for organizations like a CRMP. It requires a group to pull the whole agreement together with landowners signing on with relative ease. It has tremendous advantages as compared to the small group approach.

Bill Burrows has found the Safe Harbor relationship to be advantageous to his operations. He feels confident that he is protected from future regulation on the species of concern.

Leonard Hale asked what happens if the land is sold. Bill Burrows stated that the agreement goes with the property. The new landowner may renegotiate the restrictions or eliminate the agreement altogether. This flexibility is relatively new. New T&E species may be included within the same agreement.

Mike Connor confirmed with Bill Burrows that certain management practices are agreed to as condition of the agreement. For example he can take elderberry as long as it is an incidental take.

Steps to developing a Safe Harbor agreement as explained by Bill Burrows:

1. Develop baseline data. This can be the most expensive aspect of the process.
2. Establish a net conservation benefit to species of concern. In other words the management agreed to must benefit the species.
3. Draft the agreement.
4. File the signed agreement with the Federal Register.

Bill Burrows provided the following contact: Susan Kessler (Sustainable Conservation) for actually pulling an agreement together. He also recommended contacting the local NRCS office for assistance.

Jeff Stephens asked if the State DFG has been active in Safe Harbor. Mr. Burrows stated that they are not active to his knowledge, but they are supportive of the best management practices that result from the agreement.

Bill Burrows indicated that they have been doing VMP burns for a number of years. He is very supportive of the program. He has great support from landowners, USFS, and BLM. The biggest obstacle has been air pollution control. He also runs 1000 head of goats and sheep using them for vegetation control. The watershed group plans to build to 4000 head eventually. Presently the market is the highest for red meat in the country. The US raises about 1 million carcasses per year. However, the consumption is about 4 million.

Mel Thompson asked if monitoring is part of agreement with Safe Harbor. Mr. Burrows responded that it is and he monitors stream flows and some animal species. Funding for monitoring is through grants. Mr. Thompson asked if the grants are through the CRMP. Bill Burrows stated that the grants are through a non profit organization for tax purposes.

#### **Item 8, Focus Group reports:**

##### **Rangeland Focus Group Report, Mike Connor Reporting:**

The Focus Group met yesterday morning. Members of the Central Coast Rangeland Coalition attended. They are preparing a monitoring program for use on rangelands. The

Focus Group also heard from the DFG and the Dixon Resource Conservation District (DRCD) on the Yolo Bypass Wildlife Area. DFG leases major portions of the property for agriculture, the funds of which go back into management of the property. It appeared to be a great model for managing public lands.

The Focus Group discussed the Certification process for Certified Range Managers. The result of that discussion was that James Bartolome shall be invited to the next RMAC meeting for discussion and clarification on testing, services, and notifications to clientele. Mike Connor also recommended discussion on the Continuing Education Units. The Integrated Hardwood Management Program was added as an item for discussion.

Jeff Stephens asked RMAC for clarification on the relationship between the Monterey County Range Improvement Association, and that of the Central Coast Rangeland Coalition, since these two organizations overlap in territory. Chuck Pritchard expressed his opinion that the Coalition is focused more on range management; where as the Range Improvement Association is focused more on fuels management.

#### Policy Focus Group: Ken Zimmerman Reporting:

Ken Zimmerman reviewed the Policy minutes from the October meeting. Minutes were approved with corrections noted by Jeff Stephens.

Ken Zimmerman reported that John Donnelly (Wildlife Conservation Board) and Pete Holloran (UC Santa Cruz) spoke at the Policy meeting yesterday. Pete Holloran reviewed his paper *Obstacles to Land Stewardship in California*. John Donnelly spoke to the need to raise awareness of problems associated with the lack of management funds for public lands.

Ken Zimmerman stated that he will be writing the paper and that Neil McDougald will write a cover letter for the paper.

Ken Zimmerman stated that with the passage of Prop 12 WCB's ability to provide for management of acquired property has been enhanced. He has asked Jeff Stephens to get the information for Prop 12 that provides these benefits. He also is seeking information on Prop 84 that provides funding for management. Ken Zimmerman stated that he will have a new draft prepared for RMAC by the January meeting. He has requested that Tacy Curry provide him with a copy of the Yolo Bypass agreement to gain a better understanding of how this agreement operates. He has asked Pete Holloran to select key elements from his paper that Mr. Holloran would like to see brought forward by the RMAC paper. Ken Zimmerman invited RMAC members to read the Holloran paper again and identify issues of special interest for the RMAC paper.

Leonard Hale indicated that he would be curious to know what the permitting process was for the Yolo Bypass. Ken Zimmerman indicated he would send copies of the Yolo Bypass agreement to any RMAC member asking for a copy. The permitting process may be explained in the agreement.

#### Vegetation Management/Fire Focus Group, J.R. McCollister Reporting:

J.R. McCollister attended the Resource Protection Committee (RPC) yesterday and distributed several documents to RMAC from that meeting, all of which RMAC had seen in

previous meetings. This included the 1997 framework for minimizing cost and loss from wild land fire, the VTP Policy and Program Review Working Group.

Regarding the VTP Policy and Program Review J.R. McCollister asked the RPC if there would be stakeholder review of the evaluation committee's work. The answer was that the RPC plans to use public meetings of the RPC to provide public input. Mr. McCollister stated this is not adequate in that only two stake holders were present at the RPC yesterday to provide comment. Ken Zimmerman stated that the other problem is the lack of time allocated for public comment in each RPC meeting given their schedule.

J.R. McCollister turned attention to the Fire Plan. He stated that discussion on the level of service indicated a duplication of reporting between CDF and federal cooperators regarding response to incidents within the mutual threat zone. Department representatives at the RPC reviewed CDF success rates and goals of suppressing 90% of all fires at 10 acres or less. Joe Rawitzer stated at the RPC that the level of service of stopping all fires 90-95% of the time is not the problem and that it is the 5% of fires that become large and damaging that is the problem. This calls for a different approach than adding personnel and equipment.

J.R. McCollister reminded the RPC that RMAC desires representation on the stakeholder committee for advising the RPC on the Fire Plan. The RPC responded affirmatively and did not see a problem with this request. However, it is not clear if this committee will in fact be activated again.

Ken Zimmerman stated that in the next RMAC meeting we need to get a letter out clarifying whether the Fire Plan Advisory Committee actually exists.

Jeff Stephens mentioned for clarification that the Fire Plan Advisory Committee was the vehicle for direct input to the Fire Plan. Therefore all groups that were part of the Committee are in the same situation of having to submit input via the RPC meetings.

#### **Item 9, New and Unfinished Business:**

2007 RMAC meeting Schedule: RMAC settled on the following dates for 2007.

January 10-11  
March 20-21  
May 15-16  
July 17-18  
September 18-19  
November 27-28

The RMAC made a review of the draft letter asking for clarification from the RPC on the intent of the Department's working group for evaluating CDF fuels management programs. Mel Thompson moved that the letter be sent with corrections as noted by Jeff Stephens. Motion passed unanimously.

#### **Item 10, Public Comment:**

NONE



Adjourn

**Action Items:**

Motions:

Motion 1: Mike Connor made a motion to write a letter addressed to the Board in support of CDF signing the CRR. Motion carried by unanimous vote.

Motion 2: Chuck Pritchard made the motion that RMAC recommend to the Board that it become signatory to the CRR and let the Board make that determination on their own. Vote was 5 to 3 against. Motion did not carry.

Motion 3: Mel Thompson moved that the letter prepared for the RPC asking for clarification on intent of the CDF working group for evaluation of the CDF VTP programs be sent with corrections as noted by Jeff Stephens. Motion passed unanimously.